



BellSouth Telecommunications, Inc.  
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REC'D TH  
REGULATORY AUTH.

Guy M. Hicks  
General Counsel

'99 SEP 16 AM 11 39

September 16, 1999

OFFICE OF THE  
EXECUTIVE SECRETARY

VIA HAND DELIVERY AND FACSIMILE

Hon. Melvin Malone, Hearing Officer  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Complaint of AVR of Tennessee, LP dba Hyperion of Tennessee, L.P. Against BellSouth Telecommunications, Inc. to Enforce Reciprocal Compensation and "Most Favored Nation" Provision of the Parties' Interconnection Agreement*  
Docket No. 98-00530

Dear Chairman Malone:

Late yesterday afternoon, BellSouth Telecommunications, Inc. ("BellSouth") was served with a copy of Hyperion's Motion to Strike Testimony Which Violates Parole Evidence Rule and a Memorandum of Law in support thereof (the "Motion"). The Motion, which was filed on September 15 is untimely and should be summarily denied. BellSouth will not file a formal response to the Motion unless instructed to do so by the Hearing Officer.

The schedule established by the Hearing Officer was clear. All motions in this proceeding were required to be filed on or before 4:30 p.m. on Monday, September 13 (see September 9, 1999 Notice, copy attached). The Motion was served by Hyperion late on the afternoon of September 15, less than two days before the hearing scheduled on September 17.

Moreover, Hyperion's Motion is without merit and should be denied. Indeed, Hyperion's argument that "the parties' dispute must be resolved 'within the four corners' of the agreement" (see page 5 of the Motion) is similar to Hyperion's motion for summary judgment, which was denied by the Hearing Officer by Order dated February 25, 1999.

Very truly yours,

Guy M. Hicks

GMH:ch  
Enclosure

cc: Henry Walker, Esquire (via fax)

FILE



**TENNESSEE REGULATORY AUTHORITY**

460 James Robertson Parkway  
Nashville, Tennessee 37243  
Telephone (615) 741-2904

**NOTICE**

**DOCKET:**

**98-00530**

**PETITIONER:**

**Hyperion of Tennessee, L.P.**

**IN RE:**

**Complaint of AVR of TN d/b/a Hyperion of TN against  
BellSouth Telecommunications, Inc. to enforce Reciprocal  
Compensation and "Most Favored Nation" Provisions of the  
Parties' Interconnection Agreement**

**DATE:**

**September 9, 1999**

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The following schedule for submission of motions and responses thereto in the above captioned matter has been established:

1. All motions should be filed by or before 4:30 pm on Monday, September 13, 1999.
2. All responses to such motions shall be due on or before noon on Wednesday, September 15, 1999.

The motions and responses must be made in writing and filed with the office of the Executive Secretary of the Authority. Copies of the motions and responses and all other filings with the Authority with respect to this request must be served on all parties.

FOR THE TENNESSEE REGULATORY AUTHORITY:

A handwritten signature in black ink, appearing to read "KDWaddell".

K. David Waddell, Executive Secretary

cc: Parties of Records